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JUL 27 2004

In re Application of:
SHERMER *et al.* : *SUA SPONTE*
Serial No.: 09/828,842 : DECISION WITHDRAWING HOLDING OF
Filed: April 10, 2001 : ABANDONMENT
Attorney Docket No.: A1148.0000/P002 :
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This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely pay the issue fee in response to the Notice of Allowance and Issue Fee Due mailed on November 28, 2003. A Notice of Abandonment was mailed on July 20, 2004.

A review of the written record indicates that a proper Request for Continued Examination (RCE) was previously filed on February 24, 2004, but not properly processed in the application prior to the mailing of the Notice of Abandonment. Since the RCE was timely filed, the abandonment of the application was premature. Therefore, the application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner for consideration of the response.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

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